Checklist for Uncontested No-Fault Divorce Packets

for PAI referral

Name of Client _____   **Case Number** _____

1. Signed & dated Information Form for people wanting to file no-fault divorce   □ Yes   □ No

2. Signed & dated Retainer (with citizenship attestation)   □ Yes   □ No

3. Copy of the marriage certificate   □ Yes   □ No

    If no, is marriage certificate <u>clearly</u> unavailable?   □ Yes   □ No   □ N/A

4. <u>Case type</u> coded as <u>P</u>, <u>funds</u> coded as <u>7</u>, <u>advocate</u> coded as <u>3072</u>   □ Yes   □ No

5. Response to <u>each</u> applicable question on <u>each</u> page (and information on the last two pages about income, deductions, assets and expenses)   □ Yes   □ No

    If no response to an applicable question, is there an explanation of what reasonable efforts have been made to get the information?   □ Yes   □ No   □ N/A

6. Information about income, deductions and assets updated <u>on intake</u> to be the same as shown on the Information Form   □ Yes   □ No

7. If question #21 (active duty military) is **yes**, question #42 is **yes** (spouse willing to sign divorce papers)   □ Yes   □ No   □ N/A

8. If question #23 is **yes**, prior divorce lawsuit has ended   □ Yes   □ No   □ N/A

9. Question #24 is **no** and question #25 is **yes** (client has lived in VA 6 mons)   □ Yes   □ No

10. Question #28 shows client has been separated 12 months   □ Yes   □ No

11. Question #31 shows paternity has been established for all children born during the marriage who are not of the marriage   □ Yes   □ No   □ N/A

12. Question #33 is **no** (wife is not pregnant)   □ Yes   □ No

13. Question #34 shows a physical address for spouse or what reasonable efforts have been made to get the information   □ Yes   □ No

14. Questions #35-39 are all **yes** or **N/A** (all issues have been taken care of)   □ Yes   □ No

15. Questions #44-49 are all **no** (there are no issues client wants to raise)   □ Yes   □ No

16. Has client paid filing fees?   □ Yes   □ No

    If yes, is white receipt attached to pink Intake Sheet?   □ Yes   □ No   □ N/A

Dated _____   **Signed** _____

Attach as <u>top</u> sheet of divorce packet

CENTRAL VIRGINIA LEGAL AID SOCIETY, INC.

=||= LSC

1000 Preston Ave, Suite B   101 W Broad, Ste 101   2006 Wakefield Ave
Charlottesville, VA 22903   Richmond, VA 23241   Petersburg, VA 23805
434-296-8851 (Voice)   804-648-1012 (Voice)   804-862-4404 (Voice)
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April 12, 2007

PLEASE READ THIS LETTER THOROUGHLY

Client's name
Client's mailing address
City, State, Zip

Dear Client's name:

Recently you called this office seeking representation to file for a divorce. Because the number of requests for divorce are so much more than the availability of lawyers to handle them, I'm sending you this letter and enclosures. These explain the guidelines on whether this office can accept your divorce, and ask you to help legal aid assist you. Private lawyers have agreed to represent legal aid clients without charging any attorney's fee. However, there may be court and service fees. These are explained later.

Legal aid can provide you a divorce lawyer only if you want an uncontested no-fault divorce based on one year's separation. "Uncontested" means **all** issues of protective orders, child paternity, marital property and pensions have been taken care of in a court order or a signed separation agreement, <u>or</u> do not exist.

"Uncontested" also means **all** issues of child custody and visitation, child support, and spousal support (alimony) have been taken care of in a court order or a signed separation agreement, <u>or</u> will be taken care of after the divorce, <u>or</u> do not exist.

Divorce lawyers through legal aid are available only if you do not want to raise any of these issues in your divorce case. You must have lived in Virginia all of the last six months. You also must have a physical home or work address (not just a mailing address) for your spouse, or you must have made a thorough effort to get a physical address for your spouse.

To determine if legal aid can provide you with a divorce lawyer, you will need to complete the enclosed questionnaire and retainer. Please fill out the questionnaire, sign and date the retainer, and return them to me. This office must have <u>both</u> the questionnaire <u>and</u> the retainer before legal aid can proceed. If your case is accepted, the retainer will be signed by legal aid and a copy will be mailed to you. Also, please provide me copies of all of the following papers.

- Your marriage certificate.

- Any child custody and child visitation orders for all children born to you and your spouse (or adopted by you and/or your spouse) who are under 18.
- Any paternity acknowledgements, determinations or orders for all children born during the marriage who are <u>not</u> of the marriage, and who are under 18.
- Any separation agreements signed by both parties.

Please send these when you return the questionnaire and the retainer. Please send all requested papers within 30 days after you get this letter to me at my address below. If you find you are unable to do this, I need for you to call me within the 30 days and ask for more time.

If I don't get all the papers within 30 days after you get this letter, or within any added time, I'll close your case. ***If I close your case, this office would not consider your uncontested no-fault divorce until one year from the date of this letter.***

If legal aid accepts your case, your divorce attorney will be prepared to ask the court to allow you to file and serve (legally deliver) your divorce papers for free, instead of paying fees. These fees range from $79 to $124. Your lawyer would have to send the court your sworn affidavit about your finances to show you could not pay the fees. Your sworn affidavit would be a public record of your finances.

If for privacy reasons you prefer to pay the fees, you may send us the correct amount of fees by **money order** or **certified check**. Make it payable to "CVLAS Escrow." Please <u>do</u> <u>not</u> send cash or personal checks.

<div align="center"><u>Schedule of fees</u></div>

Court filing fee	$79
Service of process fee, if your spouse will not sign papers to speed up the divorce	$24
Court fee, if you want an order restoring your maiden name or prior married name	$21

You may send the fees when you send the requested papers. If you do not send the fees, your lawyer will ask the court to allow you to file the divorce for free.

The enclosed sheet on **Questions and Answers for Uncontested No-Fault Divorce Applicants** should answer most of your questions. If you have any other questions or problems, please call me at my telephone number below. Thank you for your cooperation and assistance.

Sincerely,

Your name
Intake Assistant

Central Virginia Legal Aid Society, Inc.
Your mailing address
City, State, Zip
Your telephone number